

APPLICATION GRANTED

SO ORDERED

VERNON S. BRODERICK

U.S.D.J. 2/13/2023

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Given the parties' representations in this letter, the referral to mediation at Doc. 25 is hereby withdrawn. The parties may renew the request for referral at a later date if they believe it would aid the resolution of this case.

VIA ECF

The Honorable Vernon S. Broderick
United States District Court Judge
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Senior v. Keep Healthy, Inc.*

Case No.: 1:22-cv-7064

Dear Judge Broderick,

The undersigned represents Frank Senior, on behalf of himself and all other persons similarly situated ("Plaintiff") in the above referenced matter against Keep Healthy, Inc., ("Defendant"). The undersigned respectfully requests that the Mediation scheduled for February 13, 2023 at 10:00 AM be adjourned for 60 days. The reason for this request is that Counsel for both Parties are at an impasse and therefore do not believe the Mediation will be fruitful at this time and would only drive up costs of litigation. Counsel for both Parties have worked together in the past on nearly identical matters and are currently involved in 13 other matters together. Most recently, Counsel for the Parties attended a Mediation session this morning that did not help either Party reach an amicable resolution and Counsel for both Parties believe the Mediation scheduled for Monday would yield a similar outcome.

Thank you for your attention to this matter. Should the Court have any questions, please do not hesitate to contact the undersigned attorney.

Respectfully submitted,

GOTTLIEB & ASSOCIATES
/s/Michael A. LaBollita, Esq.
Michael A. LaBollita Esq.

cc: All counsel of record via ECF